

**§ 173.5 Agricultural operations.**

(a) Formulated agricultural chemicals which are offered for transportation in less-than-case-lot quantities, or when repackaged, are not subject to subpart D of part 172 of this subchapter and the outside specification packaging requirements of part 173 of this subchapter if all of the following conditions are met:

(1) Inside packagings are enclosed in strong outside packagings. Inside liquid packagings are cushioned, if necessary, to prevent breakage and leakage;

(2) Each inside packaging does not exceed 10 L (2.6 gallons) capacity for liquids or 15 kg (33 pounds) for dry materials.

(3) Gross weight of less-than-case or repackaged lots is not over 50 kg (110 pounds) in each vehicle;

(4) Transportation is authorized only by private motor vehicle between a final distribution point and the ultimate point of application, if that distance does not exceed one hundred miles.

(b) Formulated liquid agricultural chemicals in specification packagings of 220 L (58 gallons) capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard an aircraft for aerial application.

(c) See § 173.315(m) pertaining to nurse tanks.

[Amdt. 173–165, 48 FR 28099, June 20, 1983, as amended by Amdt. 173–216, 54 FR 38794, Sept. 20, 1989; Amdt. 173–224, 55 FR 52608, Dec. 21, 1990]

**§ 173.5a Oilfield service vehicles.**

Notwithstanding § 173.29 of this subchapter, a cargo tank mounted on a transport vehicle used in oilfield servicing operations is not subject to the specification requirements of this subchapter if—

(a) The cargo tank and equipment contains only residual amounts (i.e., it is emptied so far as practicable) of a flammable liquid alone or in combination with water,

(b) No flame producing device is operated during transportation, and

(c) The proper shipping name is preceded by “Residual” on the shipping paper for each movement on a public highway.

[Amdt. 173–196, 51 FR 5971, Feb. 18, 1986]

**§ 173.7 U.S. Government material.**

(a) Hazardous materials offered for transportation by, for, or to the Department of Defense (DOD) of the U.S. Government, including commercial shipments pursuant to a DOD contract, must be packaged in accordance with the regulations in this subchapter or in packagings of equal or greater strength and efficiency as certified by DOD in accordance with the procedures prescribed by “Performance Oriented Packaging of Hazardous Material, DLAR 4145.41/AR 700–143/AFR 71–5/NAVSUPINST 4030.55/MCO 4030.40.” Hazardous materials offered for transportation by DOD under this provision may be reshipped by any shipper to any consignee provided the original packaging has not been damaged or altered in any manner.

(1) Hazardous materials sold by the DOD in packagings that are not marked in accordance with the requirements of this subchapter may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

(b) Shipments of hazardous materials, made by or under the direction or supervision of the U.S. Department of Energy (DOE) or the Department of Defense (DOD), for the purpose of national security, and which are escorted by personnel specifically designated by or under the authority of those agencies, are not subject to the requirements of this subchapter. For transportation by a motor vehicle or a rail car, the escorts must be in a separate transport vehicle from the transport vehicle carrying the hazardous materials that are excepted by this paragraph. A document certifying that the shipment is